



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

LARREN F. JONES ET AL.

SERIAL NO: 09/368,503

FILED: AUGUST 5, 1999

FOR: WEAR ASSEMBLY FOR A DIGGING
EDGE OF AN EXCAVATOR

ATTY DKT NO.: 51291.81516

GROUP ART UNIT: 3671✓

EXAMINER: V. BATSON

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

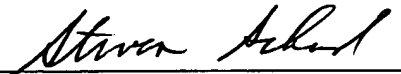
Applicants filed an Amendment May 17, 2004, in response to the Office Action mailed November 17, 2003. In reply to this Amendment, we received the enclosed Notice of Non-Compliant Amendment mailed May 24, 2004. According to this Notice, the Amendment was refused entry for failing to include a complete listing of the claims. Although a complete listing of the claims was not included, such is not required in this case because it is a reissue application.

As noted in <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> (enclosed for your convenience), which is expressly referenced in the Notice of Non-Compliant Amendment: "The amendment practice for reissues and reexamination proceedings, except for drawings, had not changed."

Therefore, since the Amendment of May 17, 2004 pertained to a reissue application it is governed by other rules. It is submitted that all of the requirements for the submission of an Amendment in a reissue application have been met. As a result, Applicants request entry and consideration of the May 17, 2004 Amendment.

Respectfully submitted,

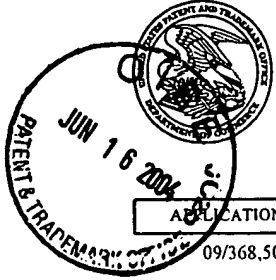
Dated: June 16, 2004

By: 
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09/368,503
51291.81516

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,503	08/05/1999	LARREN F. JONES	51291.81516	5616

22907 7590 05/24/2004

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EXAMINER

BATSON, VICTOR D

ART UNIT PAPER NUMBER

3671

051291.81516
DOCKETED SH/pe

DATE MAILED: 05/24/2004

MAY 27 2004

amend due: 6.24.04

last day: 11.24.04

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAY 27 2004

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5-17-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.


Eleanor Key
Legal Instruments Examiner (LIE)